

WITNESS STATEMENT OF DEVIN BAXLEY

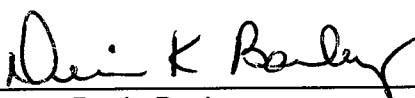
PERSONALLY APPEARED, Devin Baxley, who, being duly sworn, stated as follows:

1. My name is Devin Baxley. I live at 966 Broken Branch Road, Johnsonville, South Carolina 29555.
2. From 1992 to 2007, I worked for Nan Ya Plastics Corporation, America in Lake City, South Carolina. The entire time I worked for Nan Ya, I worked in the Automation Department. My shop was on the Filament 2 side of the plant.
3. I knew Cheryl Powell while I was employed with Nan Ya. Her office was on the same side of the plant as mine. I saw her frequently in the QC II Office which she shared with others who worked in the Quality Department.
4. On Cheryl's last day of employment, I was having a conversation with Eric Watson, who was a supervisor in QC AP. Eric was typing an e-mail to his wife while he was talking to Steve Page on the telephone. Eric mistakenly read part of the e-mail to his wife which said "love you" or similar words. I began teasing Eric a little. I said something like, "I knew you liked your boss, but I didn't know you loved him." Eric responded by saying, "Sure I love my boss." "You should love everybody" or similar words. I do not remember the exact words, but we were just joking around. The conversation was very short. It was interrupted when Cheryl Powell stood up and said that she objected to our "homosexual" conversation. Eric and I were shocked because our conversation did not have anything to do with homosexuals. We were just joking around. We stopped the conversation and I left. That was the last time I saw Cheryl Powell at Nan Ya.
5. The entire time I worked for Nan Ya, I was in the Automation Department. We were responsible for maintaining the computer system and automated equipment. We did all the work on the computers and network in the QC II Office that Cheryl Powell shared with other

employees. From time to time, the floor in that office would be cleaned. This would require the computer equipment to be disconnected. My Department always reconnected the computers. Cheryl Powel would have never been allowed to reconnect computers or perform any work on computers. I have never seen Cheryl Powell on the floor in the QC office doing anything. Further, to my knowledge, Cheryl Powell did not have the technical ability to reconnect computers to the network.

6. I have heard various Nan Ya employees joke around in the QC II Office. I do not remember the exact jokes, but it was all in good fun. No one, including Cheryl Powell, appeared to be offended by anything which was said in the QC II Office. I have seen Cheryl Powell joke and laugh along with everyone else. In fact, although I do not remember the exact statements, she made "off color" remarks herself. She never in my presence indicated that she was offended by anything which was said in the office.

Pursuant to 28 U.S.C. §1746, I declare under penalty and perjury that the foregoing is true and correct.


Devin Baxley

Dated this 11th day of March.